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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,300	03/31/2004	Rashid Qureshi	ALC 3123	4546

7590 01/09/2008

KRAMER & AMADO, P.C.
Suite 240
1725 Duke Street
Alexandria, VA 22314

EXAMINER	
YUEN, KAN	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
01/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,300	QURESHI ET AL.	
	Examiner	Art Unit	
	Kan Yuen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *14-18* is/are allowed.

6)☒ Claim(s) *1,6,19 and 24* is/are rejected.

7)☐ Claim(s) *2-5, 7-13 and 20-23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see remark, filed on 10/16/2007, with respect to the rejection(s) of claim(s) 1, 6, 19, and 24 under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hill et al. (Pub No.: 2004/0032827).

2. Applicant's arguments regarding claim 1 have been fully considered but they are not persuasive. Applicant argues that Kalkunte does not teach event messages have already been received by the EMS. However, the phrase is not a claimed limitation.

3. Applicant's arguments regarding claim 24 have been fully considered but they are not persuasive. Applicant argued that Kalkunte does not teach the instructions for receiving the message are stored on the switch. However, the phrase is not a claimed limitation.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, the phrase "at a point separate from the Qs channel process" is considered as vague and indefinite. Applicant's is suggested to define the phrase.

Claim Rejections - 35 USC § 103

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 6, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalkunte et al. (Pat No.: 6115356), In view of Hill et al. (Pub No.: 2004/0032827).

In claim 1, Kalkunte et al. disclosed the method of maintaining a set of at least one proxy buffer at the Qs channel process, the set having a fill level; receiving an event message associated with a network element (see column 3, lines 35-55, see fig. 1). A switch 12 comprises plurality of input buffers 18, and output buffers 20. The switch 12 is

interconnected between pluralities of nodes 14. Therefore we can interpret that one of the node is the network management system. The switch also comprises a congestion monitor unit 24, for monitoring the congestion level of all the buffers. The switch 12 can be the element management system. The switching data can be the event message. As shown in fig. 1, the switch has input buffers 18 for receiving messages; at a point separate from the Qs channel process, determining from at least the fill level whether the event message is to be forwarded (see column 4, lines 13-23, see fig. 1). The registers 26 and 28 are for storing a low threshold and a high threshold values. The switch 12 looks at the monitor 24 to determine the congestion level of the buffers, If congestion is detect on one of the buffers, the switch will generate a pause control frame to reduce congestion on the buffer; if the event message is to be forwarded, forwarding the event message to the Qs channel process for storage in the at least one proxy buffer (see column 3, lines 35-55, see fig. 1). The data or message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch logic 22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the output buffers are available. If yes, the data or message will be forwarded to the output buffers for storage.

However, Kalkunte et al. did not disclose determining from at the fill level whether the messages are to be forwarded. Hill et al. from the same or similar fields of endeavor teaches the method of determining from at the fill level whether the messages are to be forwarded (see paragraphs 0037-0040, fig. 2). In fig. 2, the node or a switch 202 comprises traffic manager 208 that controls the channel buffer based on the threshold

level 256. When the control generator 228 detects the falling below threshold value, it will transmit a resume transmission packet 260 to manager 208. Thereafter, the manager 208 can resume normal transmission of packets to channel buffer 230. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hill et al. in the network of Kalkunte et al. The motivation for using the method as taught by Hill et al. in the network of Kalkunte et al. being that it provides efficiency in queuing management networks.

In claim 6, Kalkunte et al. also disclosed the method of a Qs channel process for communicating with the NMS; a set of at least one proxy buffer maintained by the Qs channel process, the set having a fill level (see column 3, lines 35-55, see fig. 1). A switch 12 comprises plurality of input buffers 18, and output buffers 20. The switch 12 is interconnected between pluralities of nodes 14. Therefore we can interpret that one of the node is the network management system (NMS). The switch also comprises a congestion monitor unit 24, for monitoring the congestion level of all the buffers. The switch 12 can be the element management system. The switch logic 22 can be the Qs channel process; an event logger for receiving an event message associated with a network element, for determining from at least the fill level whether the event message is to be forwarded, and for forwarding the event message to the Qs channel process for storage in the at least one proxy buffer in the event that the event message is to be forwarded (see column 3, lines 35-55, see fig. 1). The data or message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch logic 22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the output

buffers are available. If yes, the data or message will be forwarded to the output buffers for storage. The even logger is the congestion monitor 24.

However, Kalkunte et al. did not disclose the method of receiving an event message associated with a network element, for determining from at least the fill lvel whether the event message is to be forwarded, and for forwarding the event message to the Qs channel process for storage in the at least one proxy buffer in the event that the event message is to be forwarded. Hill et al. from the same or similar fields of endeavor teaches the method of determining from at the fill level whether the messages are to be forwarded (see paragraphs 0037-0040, fig. 2). In fig. 2, the node or a switch 202 comprises traffic manager 208 that controls the channel buffer based on the threshold level 256. When the control generator 228 detects the falling below threshold value, it will transmit a resume transmission packet 260 to manager 208. Thereafter, the manager 208 can resume normal transmission of packets to channel buffer 230. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hill et al. in the network of Kalkunte et al. The motivation for using the method as taught by Hill et al. in the network of Kalkunte et al. being that it provides efficiency in queuing management networks.

In claim 19, Kalkunte et al. also disclosed the method of intermittently receiving from the Qs channel process a callback message indicative of the fill level (see column 1, lines 35-45). As shown, the pause control message or frame is generated, and is sent to a particular node for indication of fill level of the buffer of the node is congested; receiving an event message associated with a network element; determining from at

least the fill level whether the event message is to be forwarded (see column 4, lines 13-23, see fig. 1). The registers 26 and 28 are for storing a low threshold and a high threshold values. The switch 12 looks at the monitor 24 to determine the congestion level of the buffers, If congestion is detect on one of the buffers, the switch will generate a pause control frame to reduce congestion on the buffer. The event message can be the switch data from any one of the nodes 14; and if the event message is to be forwarded, forwarding the event message to the Qs channel process for storage in the set of at least one proxy buffer (see column 3, lines 35-55, see fig. 1). The data or message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch logic 22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the output buffers are available. If yes, the data or message will be forwarded to the output buffers for storage.

However, Kalkunte et al. did not disclose determining from at the fill level whether the messages are to be forwarded. Hill et al. from the same or similar fields of endeavor teaches the method of determining from at the fill level whether the messages are to be forwarded (see paragraphs 0037-0040, fig. 2). In fig. 2, the node or a switch 202 comprises traffic manager 208 that controls the channel buffer based on the threshold level 256. When the control generator 228 detects the falling below threshold value, it will transmit a resume transmission packet 260 to manager 208. Thereafter, the manager 208 can resume normal transmission of packets to channel buffer 230. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hill et al. in the network of Kalkunte et al. The

motivation for using the method as taught by Hill et al. in the network of Kalkunte et al. being that it provides efficiency in queuing management networks.

In claim 24, Kalkunte et al. also disclosed the method of instructions for receiving from the Qs channel process a callback message indicative of the fill level (see column 1, lines 35-45). As shown, the pause control message or frame is generated, and is sent to a particular node for indication of fill level of the buffer of the node is congested; instructions for receiving an event message associated with a network element; instructions for determining from at least the fill level whether the event message is to be forwarded (see column 4, lines 13-23, see fig. 1). The registers 26 and 28 are for storing a low threshold and a high threshold values. The switch 12 looks at the monitor 24 to determine the congestion level of the buffers, If congestion is detect on one of the buffers, the switch will generate a pause control frame to reduce congestion on the buffer. The event message can be the switch data from any one of the nodes 14; and instructions for forwarding the event message to the Qs channel process for storage in the set of at least one proxy buffer, in the event that the event message is to be forwarded (see column 3, lines 35-55, see fig. 1). The data or message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch logic 22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the output buffers are available. If yes, the data or message will be forwarded to the output buffers for storage.

However, Kalkunte et al. did not for forwarding the event message to the Qs channel process for storage in the set of at least one proxy buffer, in the event that the

event message is to be forwarded. Hill et al. from the same or similar fields of endeavor teaches the method of determining from at the fill level whether the messages are to be forwarded (see paragraphs 0037-0040, fig. 2). In fig. 2, the node or a switch 202 comprises traffic manager 208 that controls the channel buffer based on the threshold level 256. When the control generator 228 detects the falling below threshold value, it will transmit a resume transmission packet 260 to manager 208. Thereafter, the manager 208 can resume normal transmission of packets to channel buffer 230. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hill et al. in the network of Kalkunte et al. The motivation for using the method as taught by Hill et al. in the network of Kalkunte et al. being that it provides efficiency in queuing management networks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KY

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER